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101ST CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
101-164

14p

THE VETERANS RECRUITMENT AUTHORITY ACT OF 1989

JULY 19, 1989.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. MONTGOMERY, from the Committee on Veterans' Affairs, submitted the following

1008-C)
1008-D

REPORT

Y1.1/8:101-164.

[To accompany H.R. 2486]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 2486) to amend title 38, United States Code, with respect to veterans' readjustment appointments authorized by such title, having considered the same, reports favorably thereon with an amendment, by unanimous voice vote, and recommends that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Recruitment Authority Act of 1989".

SEC. 2. VETERANS' RECRUITMENT APPOINTMENTS.

(a) POLICY.—Section 2014(a)(1) of title 38, United States Code, is amended—

(1) by striking out "It is the policy of the United States" and inserting in lieu thereof the following: "The United States has an obligation to assist veterans of the Armed Forces in readjusting to civilian life since veterans, by virtue of their military service, have lost opportunities to pursue education and training oriented toward civilian careers. The Federal Government is also continuously concerned with building an effective workforce, and veterans constitute a major recruiting source. It is, therefore, the policy of the United States";

(2) by striking out "and veterans" and inserting in lieu thereof a ", veterans"; and

(3) by inserting before the period the following: ", and other veterans described in subsection (b)(2) of this section".

(b) IMPLEMENTATION.—(1) Section 2014(b)(1) of such title is amended—

(A) in the material preceding clause (A)—

(i) by striking out "readjustment" and inserting in lieu thereof "recruitment"; and

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(ii) by inserting "and other veterans described in paragraph (2) of this subsection" after "Vietnam era" ;

(B) in clause (A), by striking out "up to" and all that follows in such clause and inserting in lieu thereof "to any position in the competitive service;";

(C) in clause (C), by striking out "of the Vietnam" and all that follows in that clause through "line of duty";

(D) by redesignating clause (D) as clause (F);

(E) by striking out "and" at the end of clause (C); and

(F) by inserting after clause (C) the following new clauses:

"(D) a veteran who is entitled to disability compensation under the laws administered by the Department of Veterans Affairs or whose discharge or release from active duty was for a disability incurred or aggravated in line of duty shall be given a preference for such an appointment over other veterans;

"(E) any veteran receiving such an appointment shall—

"(i) receive training or education to the extent, if any, considered appropriate by the agency involved; and

"(ii) upon successful completion of the prescribed probationary period, acquire a competitive status; and".

(2) Section 2014(b) of such title is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The other veterans referred to in the material preceding clause (A) of paragraph (1) of this subsection are veterans who first became a member of the Armed Forces or first entered on active duty as a member of the Armed Forces after January 1, 1977, and were discharged or released from active duty under conditions other than dishonorable.

"(3)(A) Except as provided in subparagraph (B) of this paragraph, a veteran described in paragraph (2) of this subsection may receive an appointment under this section only within the five-year period following—

"(i) the date of the veteran's last discharge or release from active duty; or

"(ii) the date of the enactment of the Veterans Recruitment Authority Act of 1989,

whichever is later.

"(B) The five-year limitation in subparagraph (A) of this paragraph shall not apply to any veteran who—

"(i) has a service-connected disability; or

"(ii) has served on active duty in the armed forces in a campaign or expedition for which a campaign badge has been authorized.

"(C) For purposes of subparagraph (A)(i) of this paragraph, the last discharge or release from active duty shall not include any discharge or release from active duty of less than 90 days of continuous service unless the individual involved is discharged or released for a service-connected disability, for a medical condition which preexisted such service and which the Secretary determines is not service connected, or for hardship.

"(4) For purposes of carrying out this section, the term 'veterans readjustment appointment' as used in the Executive Order referred to in paragraph (1) of this subsection shall be considered to be a veterans recruitment appointment referred to in such paragraph.".

(3) Section 2011(2)(B) of such title is amended by inserting the following before the period: "except for purposes of section 2014".

(b) EFFECTIVE DATE.—The amendments made by this Act shall apply only to appointments made after the date of the enactment of this Act.

INTRODUCTION

On May 24, 1989, a bill designed to revise and improve the Veterans' Readjustment Appointment (VRA) program, was introduced by the Honorable Timothy J. Penny, Chairman of the Subcommittee on Education, Training and Employment, and the Honorable Christopher Smith, Ranking Minority Member of the Subcommittee. Other cosponsors include Committee members G. V. (Sonny) Montgomery, Don Edwards, Douglas Applegate, Lane Evans, Harley Staggers, J. Roy Rowland, James Florio, Tommy Robinson, Charles Stenholm, Joseph Kennedy II, Elizabeth Patterson, Tim Johnson, Jim Jontz, L.F. Payne, Bruce Morrison, George Sangmeister, Mike

Parker, Ben Jones, Jill Long, Bob Stump, John Paul Hammerschmidt, Chalmers Wylie, Bob McEwen, Dan Burton, Michael Bilirakis, Thomas Ridge, John Rowland, Robert C. Smith, Craig James, Cliff Stearns, and Bill Paxon. Additional cosponsors include Marvin Leath, W. G. (Bill) Hefner, Ed Jenkins, Bill Richardson, and Glen Browder.

The Subcommittee held a hearing on June 21, 1989, to receive testimony on H.R. 2486. Witnesses at this hearing included: Mr. Curtis J. Smith, Associate Director for Career Entry and Employment Development Group, Office of Personnel Management; Mr. Frank De George, Paralyzed Veterans of America; Mr. Ronald W. Drach, Disabled American Veterans; Mr. Paul S. Egan, Vietnam Veterans of America, Inc.; Mr. Steve A. Robertson, The American Legion; Mr. Emil Naschinski, The American Legion; Mr. James N. Magill, Veterans of Foreign War; and Mr. Robert Jones, Veterans of Foreign Wars.

The Subcommittee met on July 12, 1989, and voted unanimously to recommend H.R. 2486, as amended, to the full Committee. On July 13, 1989, the full Committee approved H.R. 2486, as amended, and ordered the bill reported to the House.

BACKGROUND

The Veterans Readjustment Appointment (VRA) program, under current law, provides a means by which eligible disabled Vietnam era veterans and educationally disadvantaged Vietnam era veterans may be appointed noncompetitively to a Federal civilian job which leads to competitive status and career or career-conditional tenure upon satisfactory completion of 2 years of service and education or training.

The concept of VRA was first established by Executive Order 11397, issued by President Lyndon Johnson on February 7, 1968. It was further developed when President Richard Nixon issued Executive Order 11521 in 1970, and was codified in Section 2014(b)(1) of title 38, United States Code, by Public Law 93-508 in 1974. According to a recent Office of Personnel Management (OPM) report, since 1970 over 280,000 Vietnam era veterans have entered Federal service under the VRA program, and over 80 percent of these veterans were converted to career employment.

The objective of the VRA program, when it was instituted, was clear—"To promote the maximum of employment and job advancement opportunities within the Federal Government for qualified disabled veterans and veterans of the Vietnam era." At that time, hundreds of thousands of men and women were returning from military service in Southeast Asia. Many of these young veterans were educationally disadvantaged and lacked the skills and advanced education needed to compete in a tight labor market. The VRA program was designed to help these veterans by providing the employment, training, and education necessary to enable them to achieve stable employment. It was indisputable that the same Federal Government that asked its citizens to serve their country during the Vietnam era had a responsibility to assist those veterans in their efforts to find meaningful employment and to pursue a career.

Since the initiation of the VRA, however, characteristics of the veteran population have changed. The average age of Vietnam era veterans is now 42 years old. Most of these veterans have used their GI Bill and furthered their education. Additionally, a large new group of veterans who entered the Armed Forces following the Vietnam era are now returning to the civilian work force. These are bright, well-educated young people with excellent skills who are taking advantage of the educational assistance programs, including the Montgomery GI Bill, which Congress has provided for them.

In a May 5, 1989, editorial in the Washington Post, Delbert Spurlock, former Assistant Secretary of the Army for Manpower and Reserve Affairs, stated ". . . the Army is producing the most competent and flexible new entrants to the American labor force: departing soldiers. The reasons are not hard to understand. Begin with bright young recruits exploring exciting new technologies and state-of-the-art equipment; train them to meet clear missions and standards; motivate them with dedicated trainers with a personal stake in training results, and teach them in the most ethnically integrated environment in the nation. . . . There is more successful manpower training in defense than in all of the remainder of Federal and State governments combined. . . . From today until Jan. 1, 2000, some 1.5 million young people will be entering and leaving the active Army. Upon their return to the civilian work force, most will bring with them the Montgomery GI Bill, the Veterans Education Assistance Program and/or the Army College Fund benefits. Unless there is a serious diminution in the caliber of what they are taught, they will constitute the largest and most successful Federal investment in human capital over the period."

The purpose of the hearing held by the Subcommittee on June 21, 1989, was to re-evaluate the purpose and structure of the VRA program in light of the changing circumstances of the veteran population. The Subcommittee concluded that the VRA program could, and should, serve two purposes. First, the Federal Government should have the opportunity to take advantage of the exceptional talent, training, and discipline in the veteran community when recruiting personnel. Veterans have demonstrated they are among the best workers available to any employer, and the Federal Government should be able to hire these superior employees quickly and easily. Second, the Federal Government continues to have a responsibility to provide employment opportunities for those who have served in defense of our nation. The Subcommittee determined that the VRA authority, with the necessary amendments, could appropriately accomplish both these purposes.

Major Provisions of H.R. 2486, as Amended

The reported bill would:

1. Remove the termination date for the VRA program, thus making it permanent.
2. Remove the current 14-year education restriction for non-disabled veterans.
3. Provide preference in VRA hires for service-connected disabled veterans.

4. Provide eligibility for a VRA appointment for 5 years after date of enactment, or 5 years from date of discharge, whichever is later, for non-disabled post-Vietnam era veterans.
5. Provide lifetime eligibility for a VRA appointment for veterans of the Vietnam era, service-connected disabled veterans, and veterans who serve in a campaign or expedition for which a campaign badge has been authorized.
6. Provide training for VRA appointees on a case-by-case basis.
7. Remove the maximum grade level restriction for VRA appointments.
8. Eliminate the requirement that VRA appointees be on the job 2 years before being eligible for conversion to competitive status.
9. Change the name of the program to the Veterans Recruitment Authority.

Discussion of the Bill

ESTABLISHMENT OF VRA AS A PERMANENT PROGRAM

The authority for the VRA program expires on December 31, 1989. Under the provisions of H.R. 2486, as amended, the termination date of the program would be removed, thus establishing this appointing authority as a permanent program. Because the Committee has determined that the VRA program actually serves two very important purposes—providing employment opportunities for those who have served in the United States Armed Forces, including recently discharged veterans, and enabling the Federal Government to quickly and easily recruit and hire veterans—it serves no purpose to limit the life of this hiring authority. It is the Committee's view that this successful, no-cost hiring authority is a useful tool that should be permanently available to Federal agencies and former servicemembers.

It should also be noted that former Peace Corps volunteers who have completed a full term under the Peace Corps Act may be appointed noncompetitively to the Federal civil service. Without in any way denigrating the exceptional contribution made by these volunteers, it is the Committee's view that our nation's military veterans should continue to have the same access to Federal employment as that provided to individuals with service in the Peace Corps.

REMOVAL OF EDUCATION RESTRICTION FOR NON-DISABLED VETERANS

The Committee bill would eliminate the current educational restriction which prohibits a non-disabled veteran of the Vietnam era from qualifying as a VRA appointee if he or she has over 14 years of education.

In 1983 and again in 1985, the Office of Personnel Management proposed and strongly supported the elimination of the 14-year educational limit. A former Director of OPM, in testimony before the Subcommittee, stated, "The 14-year education limit for non-disabled Vietnam era veterans should be waived altogether. It is an

artificial limit which discourages improving skills through education." The Committee strongly agrees with this statement.

Statistics provided by the Department of Veterans' Affairs (DVA) show that 80 percent of Vietnam era veterans have utilized at least a portion of their GI Bill educational assistance benefits. Additionally, over 500,000 individuals who entered the Armed Forces between January 1, 1977, and June 30, 1985, participated in the Post-Vietnam Era Veterans' Assistance (VEAP) program, and over 710,000 active duty servicemembers (69% of those eligible) have elected to participate in the Montgomery GI Bill-Active Duty. To deny these veterans the opportunity to be hired under VRA defeats the two primary purposes of the program—that is, to enable Federal agencies to recruit well-educated, skilled, reliable employees and to provide long-term employment opportunities for our nation's veterans.

PREFERENCE IN VRA HIRES FOR SERVICE-CONNECTED DISABLED VETERANS

The Committee firmly believes that this nation's first commitment must be to those who were disabled while serving in our Armed Forces. The Committee recognizes that under current law service-connected disabled veterans have a certain advantage because they are not subject to the 14-year education restriction. Accordingly, H.R. 2486, as amended, would require that service-connected disabled veterans be given preference for a VRA appointment over other veterans eligible for a VRA appointment. It is expected that the Office of Personnel Management would design guidelines to ensure that this preference is provided and monitored.

PERIOD OF ELIGIBILITY FOR VRA APPOINTMENTS

The Committee bill would provide lifetime eligibility for a VRA appointment for veterans of the Vietnam era, service-connected disabled veterans, and veterans who serve in a campaign or expedition for which a campaign badge has been authorized. Non-disabled post-Vietnam era veterans would be eligible for a VRA appointment for 5 years after the date of enactment of the Committee bill or 5 years from the date of discharge from the armed services, whichever is later.

As stated earlier, this nation's first commitment must be to those who are disabled while serving in our Armed Forces. In keeping with this commitment, it is the Committee's view that service-connected disabled veterans should be provided the opportunity to enter Federal service by way of the VRA program at any time during their careers. In testimony presented to the Subcommittee during the June 21st hearing, The American Legion pointed out the following:

"According to data that were supplied by the Department of Labor's (DOL's) Assistant Secretary for Veterans' Employment and Training, over two-thirds of all veterans who are 60 percent or more compensably disabled have completely dropped out of the labor market. This has occurred because many employers in both

the public and private sectors have refused to make the necessary accommodations for their employment."

The Committee feels this very disturbing statistic more than illustrates the continuing need for the Federal Government to fulfill its responsibility to assist disabled veterans in their efforts to reenter the work force and to set the example for the private sector. The VRA program provides a means for the civil service to quickly and easily hire disabled veterans.

Additionally, certain benefits, such as 5 and 10-point veterans' preference and non-service-connected disability pension, have traditionally been reserved for veterans who served during periods of war or national conflict. Accordingly it is the Committee's view that it is appropriate to also extend lifetime VRA eligibility to Vietnam era veterans and veterans who serve in a campaign or expedition for which a campaign badge has been authorized.

TRAINING FOR VRA APPOINTEES

Under current law, education and/or training must be provided by Federal agencies for VRA appointees. H.R. 2486, as amended, would instead direct that training be provided on a case-by-case basis, as appropriate. In addition to providing greater flexibility for employing agencies, this change in policy more accurately reflects the background, experience, and qualifications of today's veterans.

When the VRA program was originally established, many Vietnam era veterans, whose average age was 19 years old, had pursued little post-secondary education prior to entering military service. Accordingly, employment under a VRA appointment was authorized only under a training or educational program developed by an agency in order to assist these educationally disadvantaged veterans in developing skills oriented toward civilian careers.

Because the Committee bill is altering the purpose and structure of the VRA program in order to best serve the current needs of veterans and Federal agencies, it is appropriate to eliminate the requirement that training be provided in conjunction with a VRA appointment. With the elimination of the barrier to appointment above a GS–9 level, and the removal of the 14-year education restriction, veterans with advanced education and skills would be eligible for VRA appointments. For these individuals, an education or training program might not be necessary or appropriate. The Committee wants to stress, however, that these highly skilled individuals should not automatically be eliminated as candidates for education programs. It is entirely possible that these individuals would benefit from certain types of additional training, thus making them even more valuable to their employers. In fact, the Committee encourages agencies to provide meaningful and substantial education and training programs which would enhance the skill level of individual VRA appointees and the appointing agency.

REMOVAL OF MAXIMUM GRADE LEVEL RESTRICTION FOR VRA APPOINTMENTS

Under current law, a VRA appointment may not be made above the GS–9 level or the equivalent. The Committee bill would eliminate this maximum grade level restriction altogether. By deleting

the educational criteria while removing the grade level restriction, several things would be accomplished. First, the VRA program would be more attractive to veterans and would provide expanded career opportunities. Those veterans who have obtained the necessary educational qualifications or have met the experience requirements to be employed at higher grades should be encouraged to work for the Federal Government, not held back because of their experience and educational achievements. Additionally, Federal agencies would have greatly increased flexibility to make employment decisions, thereby increasing agency usage of the VRA hiring authority. In testimony before the Subcommittee on April 27, 1989, a representative of the National Aeronautics and Space Administration (NASA) stated, "Despite the agency's dedicated efforts to bring disabled veterans into the workplace, their representation percentages at NASA have been lower than those of the Federal Government as a whole. . . . Over half, 53 percent, of NASA's workforce is composed of scientists and engineers; and these are the disciplines in which fewer qualified veterans have been found." It is the Committee's expectation that the removal of the maximum grade level restriction for VRA appointments will enable NASA and other agencies which have many highly-skilled positions to more easily locate and hire veterans.

VRA APPOINTEES CONVERSION TO COMPETITIVE STATUS

Under current law and as required under the provisions of Executive Order 11521, a VRA appointee must complete 2 years of substantially continuous service and complete a training or educational program before being converted to career-conditional or career employment and acquiring competitive status. Because H.R. 2486, as amended, would eliminate the 14-year education restriction, remove the maximum grade level restriction for VRA appointments, and delete the requirement for education and training associated with VRA appointments, it would be inappropriate to continue to require that all VRA appointees serve a two-year probationary period. Rather, the Committee bill would require that individuals appointed under the program who successfully complete the probationary period which is standard for each agency would acquire competitive status. It is the Committee's view that this change in policy would more accurately reflect the fact that well-educated, highly-skilled veterans would be eligible for VRA appointments.

PROGRAM RENAMED—VETERANS RECRUITMENT AUTHORITY

H.R. 2486, as amended, would rename the VRA program as the Veterans Recruitment Authority. While maintaining the familiar initials, VRA, the modified program name would reinforce the updated program purpose and emphasis. In testimony before the Subcommittee, the Disabled American Veterans stated, "We also suggest keeping the acronym VRA but changing the name to Veterans' Recruiting Authority. By the inclusion of these new categories of veterans [disabled veterans, veterans who have served in other armed conflicts or hostile actions for which a campaign badge has

been authorized, and recently separated veterans], 'recruitment authority' is much more appropriate than 'readjustment authority'."

OPM TO REPORT TO COMMITTEE ON EMPLOYMENT AND OUTREACH PROGRAMS

In order to maximize the effectiveness of the VRA program, the Committee directs the Director of the Office of Personnel Management, in cooperation with the Secretary of Defense, the Secretary of Labor, the Secretary of Veterans Affairs, and a representative of the Interstate Conference of Employment Security Agencies (ICESA), to examine existing successful veterans' employment and outreach programs and develop a plan to expand and implement these or similar programs nationwide. The Committee expects that programs such as the Centralized Applicant Referral Service (CARS), implemented in the State of California, and the Regional VRA Resume Bank established in Department of Labor's Region 5 will be examined and evaluated by the Director.

It is the Committee's intent that the Director's plan include a means to ensure that veterans are informed of their eligibility for VRA appointments, that all appropriate officials in Federal agencies are aware of the revised structure of the VRA program, and that the advantage to their agency of hiring veterans under the VRA appointing authority is fully explained to all appropriate agency officials.

The Director is to provide a report to the Committee evaluating existing programs and making recommendations for implementation of a nationwide program no later than April 15, 1990.

OVERSIGHT FINDINGS

No oversight findings have been submitted to the Committee by the Committee on Government Operations.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., July 17, 1989.

Hon. G. V. (Sonny) Montgomery, *Chairman,*
Committee on Veterans Affairs,
Washington, D.C., 20515.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared an estimate of H.R. 2486 as it was ordered reported by the House Committee on Veterans' Affairs on July 13, 1989. This bill would expand the number of veterans who are eligible for Veterans' Recruitment Appointments (previously Veterans' Readjustment Appointments) within the Federal Government and remove the restriction on Government service levels to which such appointments apply.

There would be no cost to the Federal Government as a result of this bill. We assume that no additional Federal employees would be hired because of this bill. Any veterans hired as a result of this bill would be hired in place of non-veterans.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Richard Curley (226-2820).

Sincerely,

ROBERT D. REISCHAUER,
Director.

INFLATIONARY IMPACT STATEMENT

The reported bill will have no inflationary impact in fiscal year 1990.

DEPARTMENTAL VIEWS

The following views were extracted from the testimony of Mr. Curtis J. Smith in behalf of the Director of the Office of Personnel Management, Constance Berry Newman, presented to the Subcommittee on Education, Training and Employment on H.R. 2486 on June 21, 1989:

Thank you for inviting the Office of Personnel Management to appear this morning to discuss H.R. 2486, A bill concerning the Veterans' Readjustment Appointment, or "VRA", program. If I may, I would like to begin with a brief discussion of the program.

The VRA program was established by executive order in 1970, and has since been extended and modified by statute several times. The program was designed to assist disadvantaged and disabled Vietnam-era veterans in gaining skills and training that would allow them to compete successfully in the job market and enter the mainstream of American society. Under the current law, Vietnam-era veterans who are disabled or who have no more than 14 years of education are eligible for noncompetitive appointments to positions at GS--9 and below. After satisfactorily completing 2 years of employment and training, these veterans can be converted to the competitive civil service.

The VRA program has been remarkably successful. Almost 300,000 veterans have been hired under this program since 1970, and over 80 percent of these have successfully completed the program and converted to the competitive civil service. In fiscal year 1988, nearly 11,000 veterans were hired under the VRA. Women veterans received 6 percent of these appointments, and minority veterans, 38 percent.

As time passes, though, we are inevitably seeing a decline in the number of Vietnam-era veterans who are eligible and available for employment. The unemployment rate for Vietnam-era veterans in general, 3.7 percent, is significantly lower than the 5.3 percent unemployment rate for non-veterans. However, there is evidence that certain of our Vietnam-era veterans do still need help. Those veterans who actually served in the Vietnam theater of operations have a 5.2 percent unemployment rate, and disabled Vietnam-era veterans have a 6.2 percent unemployment rate.

Now I would like to turn to the bill before the subcommittee, H.R. 2486, and I would also like to mention a related proposal in the Senate, section 113 of S. 13.

H.R. 2486 would reshape the VRA in several fundamental ways. First, it would eliminate the limitation to Vietnam-era veterans by extending the authority for noncompetitive appointments to any

veteran during the first 4 years following discharge from the service. The restriction to no more than 14 years of education for nondisabled veterans would be eliminated, although disabled veterans with more than 14 years of education would be given a preference over other veterans. The GS–9 limitation on appointment level would be raised to GS–11. Finally, the program would be made permanent.

Section 113 of S. 13, on the other hand, would address the declining utility of the VRA by refocusing the program. Recognizing the continuing disparities in unemployment rates, S. 13 would extend the program another 2 years beyond its current December 1989 expiration date, and would limit those eligible to the two groups in greatest need of help—the disabled and those who actually served in the Vietnam theater.

H.R. 2486 appears to us to go far beyond the rationale for the VRA program, and would fundamentally change the way veterans enter Federal service. Although we think the concepts presented in this bill are interesting, we are not sure how appropriate the 2-year training and work experience concept is for positions as high as GS–11, or for college graduates.

With respect to S. 13, we can certainly agree with the need to concentrate our efforts on the appointment of disabled and Vietnam theater veterans. The VRA is a program designed with a specific purpose, which has largely been accomplished, and it makes sense to concentrate now on the areas where there is still need.

In summary, then, we think the specific question of what to do with the expiring VRA program is best addressed by focusing our efforts under the program on those still in need of help, namely, the disabled and those who actually served in the Vietnam theater of operations. Accordingly, we would recommend that this subcommittee consider a proposal more along the lines of section 113 of S. 13.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

TITLE 38, UNITED STATES CODE

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PART III—READJUSTMENT AND RELATED BENEFITS

* * * * * * *

CHAPTER 42—EMPLOYMENT AND TRAINING OF DISABLED AND VIETNAM ERA VETERANS

* * * * * * *

§ 2011. Definitions

As used in this chapter—

(1) * * *

(2)(A) Subject to subparagraph (B) of this paragraph, the term "veteran of the Vietnam era" means an eligible veteran any part of whose active military, naval, or air service was during the Vietnam era.

(B) No veteran may be considered to be a veteran of the Vietnam era under this paragraph after December 31, 1991 *except for purposes of section 2014.*

* * * * * * *

§ 2014. Employment within the Federal Government

(a)(1) [It is the policy of the United States] *The United States has an obligation to assist veterans of the Armed Forces in readjusting to civilian life since veterans, by virtue of their military service, have lost opportunities to pursue education and training oriented toward civilian careers. The Federal Government is also continuously concerned with building an effective workforce, and veterans constitute a major recruiting source. It is, therefore, the policy of the United States* and the purpose of this section to promote the maximum of employment and job advancement opportunities within the Federal Government for qualified disabled veterans [and veterans], veterans of the Vietnam era, *and other veterans described in subsection (b)(2) of this section.*

(2) For the purposes of this section, the term "agency" means a department, agency, or instrumentality in the executive branch.

(b)(1) To further the policy stated in subsection (a) of this section, veterans of the Vietnam era *and other veterans described in paragraph (2) of this subsection* shall be eligible, in accordance with regulations which the Office of Personnel Management shall pre-

scribe, for veterans [readjustment] *recruitment* appointments, and for subsequent career-conditional appointments, under the terms and conditions specified in Executive Order Numbered 11521 (March 26, 1970), except that—

(A) Such an appointment may be made [up to and including the level GS–9 or its equivalent;] *to any position in the competitive service;*

(B) a veteran of the Vietnam era shall be eligible for such an appointment without any time limitation with respect to eligibility for such an appointment;

(C) a veteran [of the Vietnam era who is entitled to disability compensation under the laws administered by the Veterans' Administration or whose discharge or release from active duty was for a disability incurred or aggravated in line of duty] shall be eligible for such an appointment without regard to the number of years of education completed by such veteran; [and]

(D) a veteran who is entitled to disability compensation under the laws administered by the Department of Veterans Affairs or whose discharge or release from active duty was for a disability incurred or aggravated in line of duty shall be given a preference for such an appointment over other veterans;

(E) any veteran receiving such an appointment shall—

(i) receive training or education to the extent, if any, considered appropriate by the agency involved; and

(ii) upon successful completion of the prescribed probationary period, acquire a competitive status; and

[(D)] *(F)* a veteran given an appointment under the authority of this subsection whose employment under the appointment is terminated within one year after the date of such appointment shall have the same right to appeal that termination to the Merit Systems Protection Board as a career or career-conditional employee has during the first year of employment.

[(2) No veterans readjustment appointment may be made under authority of this subsection after December 31, 1989.]

(2) The other veterans referred to in the material preceding clause (A) of paragraph (1) of this subsection are veterans who first became a member of the Armed Forces or first entered on active duty as a member of the Armed Forces after January 1, 1977, and were discharged or released from active duty under conditions other than dishonorable.

(3)(A) Except as provided in subparagraph (B) of this paragraph, a veteran described in paragraph (2) of this subsection may receive an appointment under this section only within the five-year period following—

(i) the date of the veteran's last discharge or release from active duty; or

(ii) the date of the enactment of the Veterans Recruitment Authority Act of 1989, whichever is later.

(B) The five-year limitation in subparagraph (A) of this paragraph shall not apply to any veteran who—

(i) has a service-connected disability; or

(ii) has served on active duty in the armed forces in a campaign or expedition for which a campaign badge has been authorized.

(C) For purposes of subparagraph (A)(i) of this paragraph, the last discharge or release from active duty shall not include any discharge or release from active duty of less than 90 days of continuous service unless the individual involved is discharged or released for a service-connected disability, for a medical condition which preexisted such service and which the Secretary determines is not service connected, or for hardship.

(4) For purposes of carrying out this section, the term "veterans readjustment appointment" as used in the Executive Order referred to in paragraph (1) of this subsection shall be considered to be a veterans recruitment appointment referred to in such paragraph.

* * * * * * *

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